

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

U.N. TAXATION

Mr. INHOFE. Madam President, I was misled into thinking that we would be able to introduce some amendments tonight and then was told, when I got down, that they are confining those amendments to only three. Let me mention that I have an amendment I feel very strongly about that I want to take up first thing in the morning. I will explain what it is. It is amendment No. 613.

I can remember back in 1996, the United Nations Secretary General announced that the U.N. was interested in pursuing a global tax scheme. In response, Congress passed—and President Clinton signed into law—a policy rider on the Foreign Operations and State Department appropriations bills that would prevent the United Nations from using any U.S. funds to pursue a global tax scheme. The idea was that if we had a United Nations that wanted to have a global tax—they have been attempting to do this for many years because they don't want to be held accountable to anyone—then every time something comes up that is against the interests of the United States, we normally will pass a resolution saying that we are going to withhold a percentage of our dues to the United Nations until they change this policy. In 1996 and every year since, 13 years, we have had, as a part of that, language that says that the U.N. could not use any of the funds of the United States to pursue a global tax scheme of any type. The provision has appeared in every annual appropriations since 1996. This year marks the first time an annual appropriations bill will not contain this policy provision preventing U.S. tax dollars from funding U.N. global tax schemes.

According to page 64 of division H of the joint explanatory statement, this policy provision has been intentionally left out of the fiscal year 2009 Omnibus Appropriations bill. Preventing U.S. taxpayers funding U.N. global taxes in annual appropriations bills has been a bipartisan U.S. policy for over a decade. It is very difficult for me to understand, because I haven't seen any explanation as to who is opposed to this. It was put in by Democrats and Republicans on a bipartisan basis. Now we find that it was left out. The amendment very simply puts back the language that we have had historically in the law for the past 13 years.

Let me serve notice that I will make every effort to be first in line tomorrow morning to try to get this amendment in. I would invite any opposition that is out there, because I don't know of any opposition to it. Being fair, I think it is probably the fact that they

wanted to shorten tonight to restrict it to three amendments.

I ask unanimous consent that my time be extended to whatever time I shall pursue. I will not be more than 15 minutes from this point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHANGES TO THE ESA RULES

Mr. INHOFE. Madam President, I was listening with some interest to the Senator from Alaska and what she is trying to do. I think, once again, we are faced with a backhanded attempt to regulate greenhouse gases without the transparency of public debate. Section 429 of the omnibus currently includes yet another congressional hand-out to some of the extremist groups and to the trial bar. This rider is clearly an attempt to legislate on a spending bill, the sort of bad habit that Democrats in Congress and the White House promised to give up during the last election.

As ranking member of the Environment and Public Works Committee, I strongly support the bipartisan amendment offered by Senators MURKOWSKI and BEGICH to revise the omnibus section 429. This subject is particularly important to me since the EPW Committee holds jurisdiction over all issues impacted by the offending provision, including endangered species, the regulation of greenhouse gases, and the transportation infrastructure which we are going to be pursuing in the next few weeks.

Without the amendment, section 429 allows the agencies to make dramatic changes to the Endangered Species Act rules and regulations without having to comply with longstanding Federal laws that require public notice and public comment by the American people and knowledgeable scientists. These changes have the potential for far-reaching and unintended consequences in our economy.

Specifically, this activist-friendly rider would allow the Secretary of Interior and the Secretary of Commerce to undo a regulation making common-sense adjustments to the ESA as well as withdraw a special rule and listing for the polar bear. By ignoring the protections of the Administrative Procedures Act, the rules in question could be withdrawn within 60 days of adoption of the omnibus bill and then reissued in whatever form the agencies preferred, without having to go through any notice or public comment period and without being subject to any judicial review as to whether their actions were responsible or justified.

This is exactly what the two Senators from Alaska are attempting to correct. Existing ESA rules clearly lay out the U.S. Fish and Wildlife Service position that oil and gas development in the Arctic and Alaska Native subsistence activities are not the reason for the polar bear's recent listing sta-

tus and are not affecting polar bear population. I might add that we have made quite a study of the 13 polar bear populations in Canada. All but one are increasing. The one that is not is the western Hudson Bay. That is due to some regulations in hunting that have adversely affected them. That is being corrected at this time. So if you stop and realize over the last 40 years, we have increased the population of polar bears in the world by fivefold, then there isn't a problem. However, let's assume that there is a problem, and we want to be sure that we are able not to have the intended consequences.

If enacted, implementation of section 429 would mean that any increase in carbon dioxide or greenhouse gas emissions anywhere in the country could be subject to legal challenges due to assertions that those activities are harming a polar bear or that there has not been sufficient consultation with the U.S. Fish and Wildlife Service regarding activities that are funded, carried out, and authorized by the Federal Government.

In other words, you could have someone who is cooking on his Hasty Bake in his backyard in Tulsa, OK and have a lawsuit filed saying: You are emitting greenhouse gases; therefore, you are affecting the polar bear. Any permit for a powerplant, refinery, or road project that increases the volume of traffic anywhere in the United States could be subject to litigation, if it contributes to local carbon emissions. Lawsuits and ESA-prompted delays could extend to past fossil fuel-linked projects, if those projects could increase greenhouse gas emissions or reduce natural carbon dioxide intake.

If this provision is allowed to stand, it will likely endanger the delivery of the majority of the construction projects funded by the recent stimulus bill since these projects have not gone through a section 7 consultation regarding their impact to the polar bear. In other words, we passed the stimulus which I opposed. I had an amendment that would have actually provided a lot of jobs. That amendment they would not let me bring up. I believed that since it was an Inhofe-Boxer amendment, it would have passed. But it didn't.

So now we have a few jobs out there, a few things that are going to contribute to the employment problem of this country. If this provision is in there without the correction found in the bipartisan amendment by the two Senators from Alaska, then it is going to say the very thing we are trying to stimulate—in terms of jobs, construction, roads, bridges, and highways—cannot be done because of the section 7 consultation regarding the impacts on the polar bear. Ironically, President Obama today announced the release of \$28 billion from the American Recovery and Reinvestment Act to States and local transportation authorities to repair and build highways, roads, and bridges. This investment will lead to